

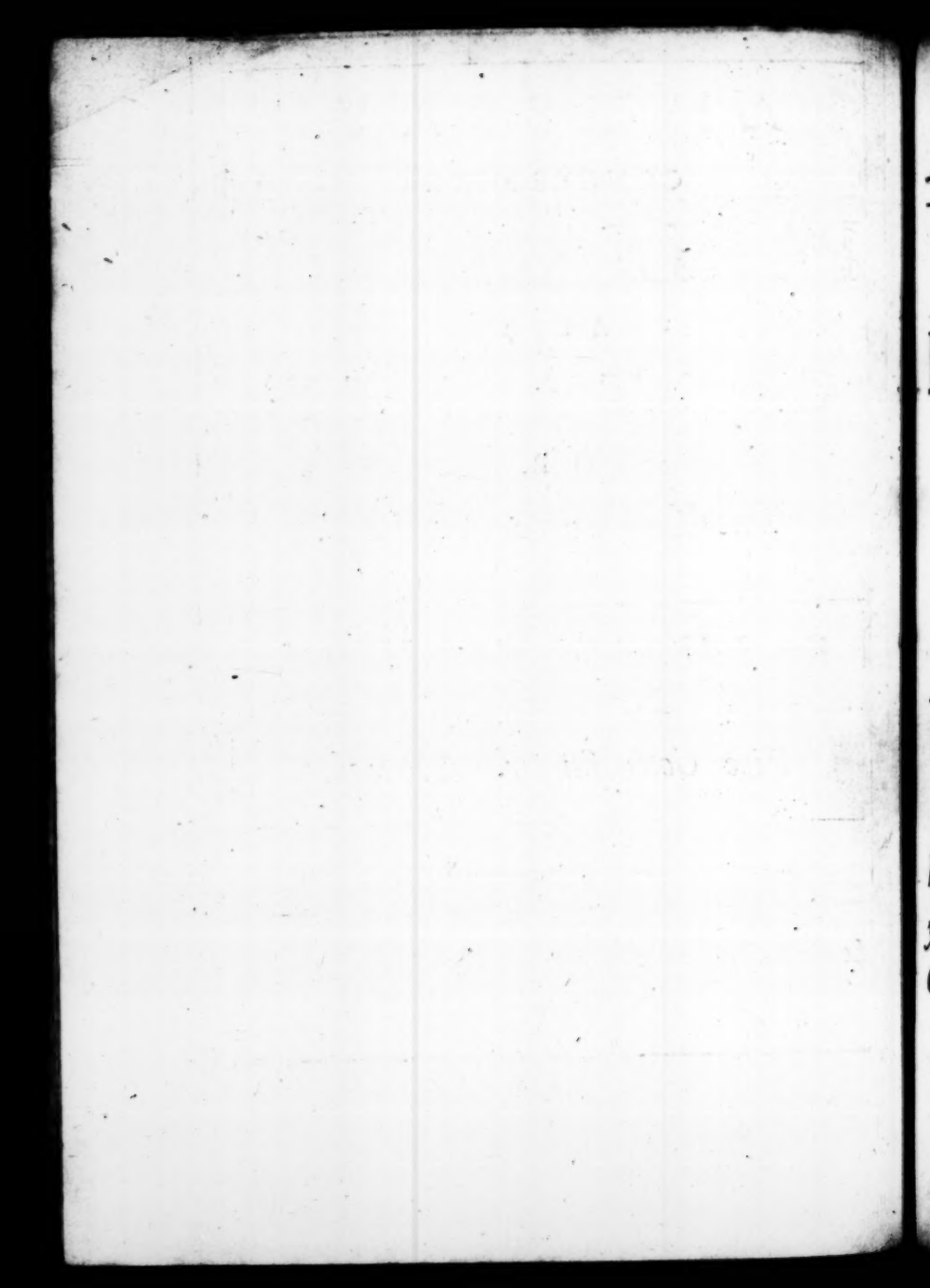
AN ESSAY
CONCERNING
PARLIAMENTS
AT A
CERTAINTY;
OR,
The KALENDS of MAY.

By SAMUEL JOHNSON.

Vice Cotis fungar. Horace.

The Third Edition.

London, Printed for the Author; To be sold
by Richard Baldwin. MDCXCIV.



TO THE
Barons and Commons
OF ENGLAND
In Parliament Assembled.

May it please your Honours.

YOU either knew more of the
Matter contained in these Papers,
or less, or the same. If you
knew more, I should be glad to see it in
your Laws which you mean to Establish:
Or which is better, in your Declaration of
A 2 the

*the Constitution. If not; no Body can find
 fault with my poor Office of bearing a
 Light, but they that have very ill Eyes.*

*I am the known Servant of You,
 and of my whole Country,*

Samuel Johnson.

A N

AN ESSAY

Concerning Parliaments at a Certainty.

CHAP. I.

Shewing that the Frequent meeting of Parliaments is the Basis of our Constitution, and the True of the Government ; and that the Intermission of them is Inconsistent with the Body of the English Law.

IF a Man would have an entire View of the English Constitution, he must have recourse to those Able and Approved Authors who have written Purposely on that Subject. For it is a Rule, *Parva est Autoritas aliud Agentis* ; and what is said by the by, is of less Weight, than what is professedly handled ; provided it have been Maturely considered, by a Competent Judge of that Matter of which he treats. And in this kind we do not find a Man better Qualified than the Learned Lord Chancellor *Fortescue*, who was an Aged Lawyer, and had been Lord Chief Justice of *England* when he wrote his Book *de laudibus Legum Angliæ*, which was on purpose in a Dialogue with the Prince of *Wales*, to inform him of the Nature of the English Constitution, and to let him know by what Sort of Laws the Realm, in which he was to Succeed his Father, was to be Governed. And therefore he adjures him over and over again to Addict himself to the Understanding of the Laws of his Father's Realm, wherein he was to Succeed, *Fol. 16. a.* and having shewed the Prince the Different nature of Realms, where a King could Tyrannize, and where he could not, being restrained

strained by Politick Laws, *Fol. 26. b.* Rejoyce therefore (says he) most excellent Prince and be glad, That the Law of the Realm in which you are to succeed is Such, for it shall exhibit and minister to You and your People no small Security and Comfort.

But out of that excellent Book which I believe no way Warped, (for then it must lean towards the Court, partly because of the Flattery and Officiousness which is too often found in Dialogues with Princes, and partly because the Author was retained on the Crown side by the Greatest Office in *England*;) I will confine my Self to those Passages only which relate to the Frequency of Parliaments. And the first I meet with is in his *18th* Chap. concerning the Statutes of *England* in these words, " Et si Statuta hæc, tantâ solemnitate & prudentiâ edita, efficaciam tantâ, quantâ conditorum cupiebat intentio, non esse contingant: *Conciò* reformari ipsa possunt, at non sine Communitatis & Procerum Regni illius assensu, quali ipsa primitus emanarunt. And if these Statutes fall short of their intended Efficacy, though devised with such great Solemnity and Wisdom of Parliament; they may very Quickly be Reformed, but not without the Assent of the Commons and Peers of the Realm, which was their Source from the beginning.

Now I only desire that the word *Conciò* may be taken notice of, which is the quickest Word that can be imagined, and shews that our Parliaments were always at Hand; and the whole Passage shews for what Wise and Just Reasons they were so.

The next Passage is Chap. 53. *Fol. 129. a.* " Neque Leges Angliæ frivolæ & instructuofas permittunt inducias. Et siquæ in Regno illo dilationes in Placitis minùs accommodæ fuerint usitatæ, in Omni Parlamento amputari illæ possunt; etiam & Omnes Leges Aliæ in Regno illo usitatæ, cum in aliquo *Clau-* dicaverint, in Omni Parlamento poterunt Reformari. Quo recte concludi potest, quod omnes Leges Regni illius Optime sunt in actu vel potentiâ, quo faciliter in actum duci poterunt & in Essentiam realem. Ad quod faciendum, quoties æqui-

" *id poposcerit, singuli Reges ibidem Sacramento asfringun-*
 " *tur, solemniter præstito tempore receptionis Diadematis sui.*
 Neither do the Laws of *England* allow in Law-suits frivolous
 and fruitless Delays. And if in this Kingdom Delays in Pleas
 which are not to the purpose should be used, they may in every
 Parliament be cut off. Yea, and all other Laws used in the
 Realm, when they *Halt* or are Defective in any point, they may
 in every Parliament be set to Rights. Whereupon it may be
 rightly Concluded, that the Laws of *England* are the Best in
 the World, either Actually or Potentially, since they can easily
 be brought into Act or Being. To the performance whereof,
 as often as Equity so requireth, Every King is bound by an
 Oath solemnly taken at the time of receiving his Crown.

Out of this last Passage I will not trouble you with any more
 Observations than these;

First, That Parliaments are the Remedy against Delays in
 Law-Proceedings: But how if Parliaments themselves should
 be Delayed?

Secondly, That if any or all our Laws should Halt, and our
 Parliaments at the same time should be Crippled too, and not
 be able to come together; they could not help one another.

In the next and last Chapter of that Book, *Fol. 129. b.* the
 Prince immediately replies. "*Princeps. Leges illas, nedum*
 " *bonas sed & optimas esse Cancellarie, ex prosecutione tuâ in*
 " *hoc Dialogo certissimè deprehendi. Et siquæ ex illis melio-*
 " *rari deposcant, id citissimè fieri posse, Parliamentorum ibidem*
 " *Formula nos erudiunt. Quo realiter, potentialiterve, Reg-*
 " *num illud semper præstantissimis Legibus gubernatur. Nec*
 " *tuas in hâc concionatione doctrinas futuris Angliæ Regibus*
 " *inutiles fore Conjicio; dum non delectent regere legibus quæ*
 " *non delectant.* Says the Prince, My Lord Chancellor by the
 Tenour of your Discourse in this Dialogue I am throughly sa-
 tisfied, that the Laws of *England* are not only Good, but the
 Best in the World. And in case any of the Laws want to be
 mended or improved, the Rules of the English Parliaments do
 instruct

instruct us, That that may be done forthwith. Whereupon the Realm of *England* is always Governed by the very best Laws, either in Reality or in Possibility. And besides I conjecture that the Doctrines that have been held forth in this Dialogue will be very useful to the Kings of *England* that shall come hereafter; since no Body likes to Govern by Laws which they do not like.

After all these Lauds and Praises of the English Laws, which the Chancellor has stuck all over with Stars quite through his Book, and has made their Perfection to Center in this, that they either Are or Soon may be the Best in the World, because in case they labour under any defect, that Fault may be Immediately amended by a wise Senate: What if that wise Senate be no where to be found, or is at no Certainty? It is then Impossible to render the Chancellor's Latin into English. For the speedy Perfection of the English Laws which the Prince and he are agreed is *Concito & Citissime*, may be rendred, either at the Four Years end, or the Twelve Years end, or at the World's end. For so I am satisfied it was meant, after a Ten Year's Interval of Parliaments, if the Herb-woman at *Edinburgh* had not thrown her Cricket-stool at the Arch-Bishop's Head. And so Dr. *Heylin* I remember does not so much acknowledge that Secret as Justify it. It is in his little Book of Observations upon *Hammond L'Estrange's* History of the Reign of K. *Charles I.* Says *Hammond*, upon the Dissolution of that wise Parliament in 28. (to whom we owe the Petition of Right) All wise Men concluded that there was an end of all Parliaments. Yes, says *Heylin*, so they might well, the King having been troubled with their Impertinencies, and having an Example in *France* before his Eyes, where Parliaments have been so much discontinued, that it is become a Proverb amongst them, *Voyons le Feu de Trois Estats*, as the strangest Sight which can be seen in an Age. I have not the Book now by me, but I will be answerable for the Substance of this Quotation, having retained this Passage in my Head above these Five and Twenty Years.

I can only touch several other Arguments which might be enlarged upon. The High Court of Parliament is the Dernier Refort in this Kingdom; and if that fail, there may be a failure of the English Justice.

Bracton says of an Ambiguous or Difficult Cause, *Respectnetur ad magnam Curiam*; but unless Parliaments be Frequent, such a Cause is Adjourned to a long Day.

Every Body that understands the English Constitution knows that it is exactly the same as it was laid down in Parliament 8 Ed. 4. by the Lord Chancellour that then was. You have it in Sir *Robert Cotton's* Abridgment of the Rolls in the *Tower*, p. 682. in these words. "He then declared the three Estates to comprehend the Governance of this Land, the Preheminence whereof was to the King as chief, the second to the Lords and Bishops, and the third to the Commons. Now if we are at a loss or uncertainty about our Parliaments, we are at a loss or uncertainty about two thirds of our Government.

But I will say no more upon this Head, intending to shew in the following Chapters, how the matter of Parliaments stood in former Ages.

C H A P. II.

Shewing how Parliaments stood in King Alfred's Time, and afterwards.

I Chuse to begin with this Period of Time in King *Alfred's* Reign, because we have clear Law and History to shew how Parliaments stood in his Time, and what Law was Ordained concerning them for ever.

It is in the *Mirror of Justice*, which as my Lord *Coke* says in his Preface to his Tenth Reports, was written in the Saxon Times, and it appears by the Book it self: But several things were added to it by a Learned and Wise Lawyer *Andrew Horne*, who lived in the Reign of *Ed. 1.* and *Ed. 2.* Antiquity enough for

a Book, we desire no more; for we are sure that no Commonwealths Man had the Penning of it.

The words of the Myrror are these, p. 10. " Pur le estatte
 " del Royallme fist l' Roy Alfred assembler les Comitees, & o
 " deigne pur Usage Perpetuelle, que a deux foits per l' An
 " ou plus-sovent, pur mestier, en tempts de peace se assem-
 " bleront a Londres pur Parliamenter sur le guidement del
 " people d' Dieu, comment gents se garderent de peche,
 " biberent en quiet, & recieverent droit per certaine usages &
 " saintes judgements. Per cel estatte se fierent plusieurs o
 " dinances per plusieurs Royes jelsque al ore Roy; Les quels
 " Ordinances sont disuses per meins sages, & pur default que
 " elles ne sont my mise en escript & publies en Certeine. For
 the Good Estate of the Realm, K. Alfred caused the Counties to
 Assemble, and Ordained it for a Perpetual Usage, that at Two
 Times yearly, or oftner if need were, in Time of Peace, they
 should assemble at *London*, to sit in Parliament, for the Gui-
 dance of God's People, how the Nation should keep themselves
 from Sin, live in Quiet, and receive Right by certain Usages
 and holy Judgments. By this Estate were made many Ordi-
 nances by several Kings down to the King that is now; (which
 says the Margin was *Edward* the First): which Ordinances are
 disused by some that are not so wise, and for want that they
 are not put into Writing and published in Certain.

In this Passage the Two Times a Year seem to be Stationa-
 ry; the Calling a Parliament Oftner than Two Times a Year if
need were, is plainly intended for Contingencies of State, and
 when the *Ardua Regni*, or Extraordinary Affairs of the Nation
 require an Extraordinary Parliament. I say, and will make
 out to all the World, by Laws and Declarations of Parliament,
 that the King has a Power of calling Parliaments within the
 Law; But I never did, nor never will say to the end of my
 Life, that the King can hinder Parliaments Appointed by Law.
 These Frequent Parliaments were to meet at *London* in Time of
 Peace. We see then what has interrupted our Parliaments both as

to Time and Place. For *London* was after in the hands of the Dane, and Foreigners Wars and Tribulations came on.

But the best way is to let an Author explain himself, which the *Mirror* does in telling us likewise the Abusions of the Law, or the Contrarieties and Repugnancies to Right, or as he calls it, the Fraud and Force which is put upon Law. This way of writing Law is the best that can be invented, for it is the way of Preaching by Positive and Negative, which is a two-edged Sword, and cuts both ways. And the Truth of it is, the Negative part of the Law, which lies in a little Compass, oftentimes teaches us a world of the Positive. For instance the 33 Articles in the Roll, 1 H. 4. m. 20. which K. *Richard* the 2^d solemnly acknowledged of his own Male-administration, do give us more light into the Constitution, than a Book of six times the bigness could do.

But to come to the Abusions of Law which are in the *Mirror*, p. 282. He says, that the First and Sovereign Abusion is for the King to be beyond the Law, whereas he ought to be subject to it, as is contained in his Oath: Though the second is my Business, which is in these words. 2. "Abusion est, que ou les Parlements se duissent faire pur le salvation des Almes de trespassors, & ceo a Londres & deux foits per An, la ne se font ils forsque rarement, & a la Volunt le Roy pur aides & cuilets de tresore. Et ou les Ordinances duissent faire al Common assent del Roy & de ses Counties la le se font ore per le Roy & ses Clerks; & per aliens & autres que nosent contravener le Roy; eins desirent de luy plaire; & de luy Counsiller a son profit, tout ne soit my le Counsel Convenable al Commons del People, sans appeller les Counties, & sans ensuer les Rules de droit, & dount pluseurs Ordances se foundent ore plus sur Volunt, que sur Droit. The second Abusion of the Law is, that whereas Parliaments ought to Convene for the Salvation of the Souls of Trespassors, and this at *London*, and Two Times in the Year, now a-days they meet but seldom, and at the Will of the King for Aids and

Gatherings of Treasure: And whereas Ordinances ought to be made by the Common Assent of the King and his Counties, now they are made by the King and his Clerks, and by Aliens and others that dare not Contradict the King, but desire to Please him, and to Counsel him for his own Profit, though it be not Counsel which is Convenient for the Commons of the People; without applying to the Counties, and without following the Rules of Right; Whereupon there are several of the present Ordinances that are rather founded upon Will, than upon Right.

From this Passage I shall only observe, that the Place of a Parliament's meeting is Fixed, and still at *London*; And that the Two Times a Year was standing Law down to King *Edward the First*, though Abusions and Court-Practices had broken in upon the Law.

Now let us see how the Law stood afterwards; wherein I can only consult the Books I have by me, for I have not Health enough to go and Transcribe the Records in the *Tower*, but take them upon Content as they lie in Sir *Robert Cotton's* Abridgment of the Records in the *Tower*. And there in the very first Page, 5 *Edw. 2.* it is Ordained, "*Que Parliament sera tenuz un ou deux foits per An.*" That a Parliament shall be held one Time or Two Times a Year. Here you see the Twice a Year is dwindled into Once or Twice.

The next is p. 93. of the same Book, 36 *Ed. 3.* "The Print touching the Yearly holding of a Parliament, cap. 10. agreth with the Record. Now the Print is, "*Item*, for Maintenance of the said Articles and Statutes, and Redress of divers Mischiefs which Daily happen, a Parliament shall be holden every Year, as another time was Ordained by Statute.

Now that Statute, as I find by the Statute-Book, for I cannot find it in Sir *Robert Cotton*, is thus, 4 *Edw. 3. cap. 14.* "*Item*, it is accorded, that a Parliament shall be holden every Year Once, and more Often if need be.

By the Reason given in the 36 *Edw. 3. cap. 10.* just now recited for a Yearly Parliament, one would think it should be a Daily Parliament; because it is for the Maintenance of former Statutes, and Redress of divers Mischiefs which Daily happen: But I believe that a Parliament which Sits but Forty Days in the Year are able to do that Work; Concerning which we will enquire further afterwards.

In the 50 *Ed. 3. p. 138.* The Parliament's Demand or Petition is this, " That a Parliament may be holden every Year; " the Knights of the Parliament may be chosen by the whole " Counties; and that the Sheriff may likewise be without " brokage in Court.

The King's Answer is this. " To the Parliament, there are " Statutes made therefore; To the Sheriffs there is answer " made; To the Knights it is agreed, that they shall be chosen " by common Consent of every County.

After these Three Laws in *Ed. 3d's* Time, we come to the First of King *Richard* the Second, *p. 163.* where the Petition or Demand for a Yearly Parliament is this. " That a Parliament may be Yearly holden in convenient place, to redress " Delays in Suits, and to end such Cases as the Judges " doubt of.

The King's Answer is. " It shall be as it hath been used.

In the 2 *R. 2. p. 173.* By the King's Commandment one Cause of opening the Parliament is Declared to be this. " Secondly, for that it was enacted that a Parliament should " Yearly be holden.

Nay, if the Court insist upon a Yearly Parliament, the Country may and ought.

Thus stood the Law of *England* till the 16 *Caroli 1.* when that King having discontinued Parliaments for Twelve Years, and created a Distrust of him in the Breasts of his People which was just; (for if a Prince spoil the Government for Twelve Years together, who shall Trust him in the Thirteenth?) The Nation found a Necessity of having a Cautionary Parliament every Third Year, to secure their Annual Parliaments for the

Two Years immediately foregoing. This is the true Reason of the Act for a Triennial Parliament, which was a perfect Innovation both Name and Thing. For I challenge any Antiquary, Lawyer, or Person whatsoever that has turned over Books, to shew me the word Triennial joined to the word Parliament, from the Foundation of this Government till the Year 1640. A Triennial Parliament therefore is so far from being the Constitution of this Government, that if it were so, a great number of our present Lords and Commoners are Older than the Constitution, and were Born before it. But as I said before, that Act was only a Cautionary Act, as a Town or Gate of a City is taken in Caution, for performance of Articles. This appears by the first thing which is Enacted in that Law, namely, *That the Laws for a Parliament to be holden at least once a Year, shall hereafter be duly Kept and Observed.* Scobell's Coll. 16 Car. 1. cap. 1.

This Act was Gently drawn up, and had more of a Prospect than a Retrospect, and does not look back into those Oppressions which King Charles himself in his large Declaration of August the 12th does acknowledg were Insupportable; which were wholly owing to this long Intermission of Parliaments: but it wisely provides, that in case the two first Years Parliaments should fail, then came a Peremptory Parliament, which the King and Keeper might call if they pleased; but if they did not, the Counties and Burroughs of England were forced to send. It is an Act that executes it self, like our Act for Burying in Woollen; and he that will see the Wisdom of it, may read it where I have quoted it.

After this comes the Act 16 Car. 2. cap. 1. and repeals this Triennial Act, because they say, "It is in Derogation of his Majesty's just Rights and Prerogative, inherent to the Imperial Crown of this Realm for the Calling and Assembling of Parliaments; whereupon the Triennial Act is Annulled as if it had never been made."

I wish it had never been made. But we will stop there first. It is annulled as if it had never been made: There is nothing lost by that; for then our Parliaments are where they were, which was Due Annual.

Well now let us see what Alteration is made by this New Act, 16 Car. 2. which follows in these words, *Sec. 3.* "And because by the Ancient Laws and Statutes of this Realm, made in the Reign of K. Edward the 3d, Parliaments are to be held very often, (that is once or twice a Year) Therefore they shall not be Discontinued above Three Years at the most. I do not use to Admire Consequences which I do not understand. But under favour, I would be taken right. I say, that the Recital of the Ancient Laws of this Realm does not Repeal them, Disannul them, *anneantir*, any thing, nothing; when there is not one *Repealing* Word concerning them in that Statute.

4E. 3. c. 14.
36 E. 3.
c. 10.

I knew what I said when I wished the Triennial Bill of Forty had never been made; and it must be remembred that that Act is as if it had never been made; For it gave occasion to some Men that came in with the Deluge of the Restauration, when it rained Cavaliers, (though I value all Mens Rights more than my own, and Princes most because they are biggest) and it prompted them to think of turning a Cautionary Triennial, into a Discretionary. But God be thanked they wanted Words to exprefs themselves; and if they meant it, they have not done it.

But so as they did put the Act together, and as it now stands, there are several things in it worth observing. 1st. That *if there be occasion there shall be more and oftner* Parliaments, than once in Three Years. Now I ask for whose sake was that Clause Enacted? Not for the King's, for he was always enabled by his Prerogative, for the sake of the *Ardna Regni*, to call a Parliament every Month in the Year: Well then it was for the sake of his People, that if they judged *there was Occasion for more or Oftner* Parliaments, they might ask for them. For I appeal

appeal to Common Sense, whether it be not Ridiculous, and wonderfully beneath the Dignity of a Parliament, when a Prince was bound by his Coronation-Oath to Call a Parliament Once a Year, or oftner if need were, (for so the Law stood, and so this Prince was at that time Bound) to Interpret a Law after such a manner, as to say he was Enabled to call a Parliament Oftner than once in Three Years.

So much for that Point; the next is this. The Upshot of this Act of Parliament, and the Conclusion of the whole Act is in these words. "To the end, there may be a frequent Calling, Assembling, and Holding of Parliaments once in Three Years at the least. I do say, that if ever we came to Low-water Mark in our Laws about Parliaments, and if ever they run Dregs; it was in the Time of *Charles the 2d.* And yet it was enacted, and was the End of that Law, that One should be Called, Once in Three Years at the least. Now I leave it to the Lawyers to tell, whether a Proclamation can call a Parliament, or any thing else besides a Writ of Summons and a Writ for Elections?

And thus have I run through the Law of Parliaments till to'other Day, and considered what is the Law at present. From King *Alfred's* Time down to *Edward the First*, it seems to have been the standing Law to have Parliaments Twice a Year. I know that the Invasions of several Nations both Danes and Normans, and the Revolutions and Disturbances of State which happened, must needs cause frequent Interruptions in the practice of it. But my reason to be of that Opinion is this, because *Horne* who lived in those Times, says, That Parliaments at that Time ought to meet twice a Year, and that at *London*, and that the Intermitting of Parliaments was the Greatest Abusion of the Law but one. Though I think I have still a Greater Authority than *Horn's*, (if any thing in this World can be bigger than that of an Able and Honest Man); But it is a King in his Letter to the Pope. It is in the Clause Rolls *Anno 3. Ed. 1. m. 9. Cedula.* and is to be seen in *Prynne's* large Book p.

178. I will quote no more of it than is for my purpose. It is concerning the Yearly Tribute of a Thousand Marks which the Popes from K. John's Time claimed, and there were several Years Due. The Pope's Nuncio sollicitates the Matter, but the King excuses himself that he had come to no Resolution in his *Easter-Parliament*, but by Common Advice he would give him an Answer in his *Michaelmas-Parliament* next following. At present I only mind the wording and way of expressing these two Parliaments. Concerning the First, he says, "*In Parlamento quod circa Octavas Resurrectionis Dominice celebrari in Anglia Consuevit*. In a Parliament that Used to be held in England about the Octaves of *Easter*. That word *Consuevit* amounts to Custom and Usage, and seems to express a Parliament *de More*. He says, That the Parliament *was in Octabis*, and by Occasion of his Sickness, (after they had made several good Laws, and redressed many Grievances, but not all that lay before them) for the Reason aforesaid, That Parliament was Dissolved, and the King could not treat with them about the Pope's Petition of Tribute. But he promises to do the Pope Reason in his *Michaelmas-Parliament* which he intended.

Now let us see how that is express'd; "*Pro firmit scituri, pie Pater & Domine, quod in alio Parlamento nostro quod ad festum Sancti Michaelis prox. futur. intendimus, dante Domino, celebrare, habito & communicato consilio cum Prelatis & Proceribus memoratis, vobis super premissis, ipsorum consilio dabimus responsum*. Know for certain, Pious Father and Lord, That in another Parliament of Ours which we intend to hold at *Michaelmas* next ensuing, with God's leave; We and the Prelats and Peers aforesaid consulting together, according to their Advice will give you an Answer upon the Premises.

But I will say no more upon this Head, being intent upon another.

CHAP. III.

Shewing, That the Yearly Parliaments were Fresh and Fresh.

THERE are several ways of proving that there was a New Election every Year. They tell me there are Writs extant for New Elections for Fourscore Years Successively, where there are but about Six wanting. What if they had been all lost, imbezelled or made away? What then, is our Constitution lost, when Bundles of Writs are lost? No, I will go no further than this last Letter to shew that there is a great Appearance that while there were Two Parliaments in a Year, the Second must be new Called. Though I hate the word New applied to a Parliament; for a Parliament is a Parliament, and our Ancestors would no more have dream'd of a Stale or Old Parliament, than of an Old Moon cut out into Stars. I will cite the words of King *Edward's* Letter, dated the 19th of *June* in the third of his Reign, and when that's done, let the Reader make his own Judgment upon them.

It was in the Interval betwixt his *Easter* and his *Michaelmas*-Parliament. “*Set antequam eidem Parlamento propter negotiorum multitudinem quæ reformationis remedio indigebant finem imponere valeremus, eodem Capellano vestro, responsionem debitam sibi fieri instanter postulante, quadam gravis nos invasit, sicut Domino placuit, infirmitas Corporalis, quæ perfectionem multorum aliorum negotiorum, & deliberationem petitionis Censûs annui supradicti, de quo dolemus non modicum, impedivit; sicque cum occasione infirmitatis hujusmodi, a qua per Dei gratiam, cujus est perire & mederi, incepimus convalescere, idem Parliamentum fuerit dissolutum; & super hoc nequiverimus super petitione Censûs ejusdem deliberationem habere cum Palatis & Proceribus antedictis.* To this Sense, But before we could put an end to that Parliament, because of the Multitude

of

of Grievances which lay before them, your Nuncio in the mean time diligently Solliciting your Business, a great Distemper as it pleased God besel me, which hindered the finishing of many other Matters, and treating about the Petition of the Yearly Tribute, which is a great Grief to me ; and so by reason of my said Illness, (from which by the Grace of God, in whose Hands are the Issues of Life and Death, I begin to Recover) That Parliament was Dissolved, and hereupon I could not Treat with the Prelates and Peers aforesaid about this Tribute.

From this long Quotation I shall only make this Observation at present, That in this Parliament begun in the Octaves of *Easter* (perhaps upon *May-Day*) there was a great deal of Business done, and a great deal of Business left undone ; amongst the rest the Pope's, because of the King's Sickness, who thereupon could not give Answers to Bills or Petitions ; and that the Nuncio's Petition was Unanswered, went to the King's Heart. But upon Occasion of that Sickness it was that the Parliament was Dissolved, and the Pope's Business hindred, to the King's great Regret. What, could not the King keep this Parliament alive till the Nineteenth of *June*, when he himself began to be well again, which is the Date of the Letter ? It is no more than Fifty Days from their first sitting down to the Date of his Letter, and yet though he set his Heart upon the Business that lay before that Parliament, it was Dissolved ; and to stop that Gap he promises to call Another Parliament at *Michaelmas*. Then it seems they did not understand the Method of Prorogations, and it is unknown to me by what Law it came in. If there be such a Law, I never minded it, for I am speaking of the Constitution, and not of Innovations.

But I believe the true Reason of the Abrupt Dissolution of that Summer Parliament in Conjunction with the King's Sickness, was this, That if they had been held till *Michaelmas* though there was then to be Another Parliament, it must have been at the King's Charge. For I am of Opinion by what I have seen even as low as *Richard* the 2^d's Time, that the Sitting

of a Parliament was usually Forty Days; and that the Quarantine was not duly kept in this Parliament 3 *Ed. 1.* of the Octaves of *Easter*. But there was a Concern in holding a Parliament above Forty Days about the Knights and Burgesſes Wages. As appears by that Memorable Record which is in *Knyhton*, p. 2682. being the Meſſage ſent by both Houſes to *K. Rich. 2.* at *Eltham*. The words are theſe. "Dicunt etiam quod habent
 "ex antiquo Statuto quod ſi Rex a Parlamento ſuo ſe aliena-
 "verit ſua ſponte, non aliqua infirmitate aut aliqua alia de cauſa
 "neceſſitatis, ſed per immoderatam voluntatem proterve ſe ſub-
 "traxerit per abſentiam temporis 40. dierum tanquam de vex-
 "atione populi ſui & gravibus Expenſis eorum non Curans,
 "extunc licitum omnibus & ſingulis eorum abſq; domigerio
 "Regis redire ad propria & unicuique eorum in patriam ſuam
 "remcare. In ſhort, they ſay they have an Ancient Statute for it, that in caſe the King wilfully abſent himſelf and will not come to Parliament, As having no Care of vexing his People, nor *Regard of their great Expences*, after Forty Days, they are free to go Home, and the King has no Wrong done him.

Now what is the meaning of theſe Forty Days, but that they had waited a juſt Seſſion? And how ſhould the Parliament-
 Mens Wages be otherwiſe adjusted, when at the end of every Parliament in thoſe Times they were diſmiſſed, with deſiring them to ſue out their Writs for their Wages? And I leave it to the Antiquaries, becauſe I am not now able to Travel in that Point, to conſider how the ſeveral Proportions of Land which are allotted for the Knights and Burgeſſes in ſeveral Counties for their Wages, can be adjusted, without a Certainty of the Length of their Seſſions.

But not a word of this is my preſent Buſineſs, which was to ſhew that Parliaments by the Conſtitution are not to be ſtale; as I have ſeen one in my Time retained about Nineteen Years with Penſions, and another for fewer Years with Places and turning out of Places: But if a Parliament were corrupted neither of theſe ways, yet a ſtanding Parliament will always

Seagnate.

Stagnate, and be like a Country-pond which is over-grown with Ducks-meat. The worst King one of them that ever the Nation had, was so limited by the Constitution, that he did not know how to compass a long Parliament, and therefore he was fain to take other indirect Ways to gain the same Point as if he had one. It was *Rich.* the 2d. who in the Articles alleged against him, and confessed by him, lets us know it was by influencing Elections and false Returns. The words as they stand in the Rolls *1 H. 4. m. 20.* are these.

“ 19. *Item,* Licet de Statuto, & consuetudine Regni sui in Convocatione cujullibet Parliamenti populus suus in singulis comitatibus regni debeat esse liber ad Eligendum & deputandum milites pro hujusmodi comitatibus ad interessendum Parlamento, & ad exponendum eorum gravamina, & ad prosequendum pro remediis superinde prout eis videretur expedire; tamen præfatus Rex ut in Parliamentis suis liberius consequi valeat suæ temerariæ Voluntatis effectum, direxit mandata sua frequentius Vice comitibus suis, ut certas personas per ipsum Regem nominatas ut milites comitatum venire faciant ad Parliamentum suum, quos quidem milites eidem Regi faventes inducere poterat, prout frequentius fecit, quandoque per vias varias, & terrores, & quandoque per munera ad consentiendum illis quæ regno fuerant præjudicialia, & populo quamplurimum onerosa; & specialiter ad concedendum eidem Regi subsidium lanarum ad terminum vitæ suæ, & aliud subsidium ad certos annos, suum populum nimium opprimendo.

19. *Item,* Although by Statute, and the Custom of his Realm in the Calling of Every Parliament in every the County of England, his People ought to be free to Choose and depute Knights for the said Counties to be present in Parliament, and to lay open their Grievances, and to prosecute for Remedies thereupon as they think fit, notwithstanding the said King that in his Parliaments he might obtain his Will which was such, often directed his Mandates to his Sheriffs, that they should

should Return certain Persons nominated by the King himself as Knights of the Shires, which Knights indeed he could make Plyable to him, and as he very often did, sometimes by various Threats and Terrors, and sometimes by Gifts, to Consent to those Things which were Prejudicial to the Realm, and extremely Burthensom to the People; and particularly to grant the same King the Subsidy of Wool during his Life, and another Sufidy for certain Years, thereby too much Oppressing his People.

Now if he could have made Long Parliaments, he need not have made use of these mean Shifts. But he could make use of no other way, because Parliaments, as I said, were Fresh and Fresh, and Antiquity knew no other. And if any Man can make out of this Authentick Record, that it was any otherwise, *Than so many Parliaments so many Elections*, then I have done with Writing and Reading.

C H A P. IV.

Of the Kalends of May.

AT last I am come to search after the Head of *Nile*, and the true old Land-mark of the English Constitution. How Parliaments stood in the British times I am not so certain; but that there were Parliaments then, I am certain. I have it from the wise *Gildas*, that *Vortigern* and his foolish *Thaynes* sent to the Saxons for help against the Picts and Scots, and took into their Bosoms a Warlike and Fierce Nation, whom, at a distance they were afraid of. And they indeed of Course beat those that infested *Severus's* Wall, but they made mine Hosts that invited them in, Hewers of Wood and Drawers of Water. And those of the Britains that opposed them, the Saxons drove out of their Country, whereby as *Gildas* says all their Records were lost. But out of that Venerable Author we plainly see, that

the Lamentable Letter, which was sent some few Years before to the Senate of *Rome*, was Written by a British Parliament. For whose sake I beg of all Nations, not to let in Legions of Foreign Nations to be their Masters, for when they want them and their Protection most, they shall go without it. For when the Roman Legions were withdrawn out of *Britany*, (which caused our Enemies to make an Insult) and the British Parliament begg'd hard to have them return, the Roman Senate's Answer was, that they were otherwise engaged; and they must help themselves as they could, which made them betake themselves to the Saxons. A very fair Answer to a Nation that was disabled and disarmed, after their Kings and Parliaments had been only Tax-gatherers to the Romans for several Hundreds of Years; as if you have no True Lord-Mayor, you must still have Pageants, and somewhat that keeps up the Shew.

But after these Early Times, we have somewhat in King *Edward* the Confessor's Laws, which all succeeding Kings have been Sworn to, which I will try what to make of. It is an Yearly *Folkmete* upon the Kalends of *May*. I do not know readily what that Yearly *Folkmete* is, because those Laws of *Edward* the Confessor say that King *Arthur* Invented it; *Quod Arthurus Rex inclytus Britonum invenit*. Then I am sure the Original Name of it was not *Folkmete*. Then we will mind the Name no more, but come to the Thing.

Sir *Henry Spelman* in the Learnedest Glossary that ever was Writ, I will not except Mr. *Somner's*, says thus under the word *Gemotum*. "Wittenagemot idem apud Anglosaxones quod apud nos hodie Parliamentum, parumq; a *Folcmoto* differet; nisi quod Hoc Annum esset & e certis plerumq; Causis, illud ex Arduis Contingentibus & Legum condendarum gratia, ad arbitrium Principis indictum. A *Wittenagemot* was the same thing amongst the English Saxons, as now at this Day a Parliament is amongst us; and a *Wittenagemote* differed little from a *Folkmete*, only that this last was Annual, and chiefly sat about the standing Affairs of the Nation. The other was called

at

at the King's Pleasure upon Emergencies of State and for the sake of making Laws.

Now let us see what the Learned Antiquary says concerning *Folk-motes* by themselves in the same place, p. 315. " In Folk-moto semel quotannis sub initio Kalendarum Maii (tanquam in annuo Parlamento) convenere Regni Principes, tam Episcopi quam Magistratus Liberiq; homines. Jurantur Laici omnes coram Episcopis in mutuam fœdus, in fidelitatem Regis, & in Jura Regni Conservanda. Consulitur de Communi Salute, de Pace, de Bello, & de Utilitate publicæ Promovendâ. In a *Folk-mote* Once every Year at the beginning of the Kalends of *May* (as in an Yearly Parliament) there Met together the Princes of the Realm, as well Bishops as Magistrates, and the Freemen. All the Laymen are sworn in the Presence of the Bishops into a Mutual Covenant with one another, into their Fealty to the King, and to Preserve the Rights of the Kingdom. They Consult of the Common Safety, of Peace, of War, and of Promoting the Publick Profit.

It follows in the next words, " Adhibetur præterea Folk-motum in repentino omni discrimine, exigente etiam necessitate, sub Aldermanno (hoc est Comite) cujusslibet Comitatus. Besides a *Folk-mote* is used in every suddain Danger, and likewise if Necessity require it, under the Alderman (that is the Earl) of every County.

This last is plainly a Provincial *Folk-mote* in time of Necessity; but the former part of the Sentence seems to intimate, that upon a Surprize when the King had not time to call a Parliament, the last *Folk-mote* met; as the last *Westminster* Parliament did, to give the Prince of *Orange* the Administration, before it was Possible to have a Parliament Elected.

Though the former Description of the General and not the Provincial *Folk-mote* is our present Business. And at the first sight it looks like a Full Parliament, for it consists of the *Princes, as well Bishops as Magistrates, and the Freemen*; that is to say, the Chiefs of the whole Nation. And they are employed in

in Parliament-work, for *they Consult of the Common Safety, of Peace, of War, and promoting the Publick Profit.* And did not the General Title of our Laws every Session run thus; To the High Honour of God, and to the Profit of the Common-Wealth? If ever there were Wites in Parliament, sure it was *Princes, as well Bishops as Magistrates, and the Freeman.* Why then does this Learned Knight distinguish betwixt a *Wittenagemote* and a *Folkmete*, seeing they were both made up of Wites? I am governed by Things and not by Words, and am thoroughly satisfied that an Assembly which does Parliament-Business is a Parliament. And no doubt the *Folkmete* made Laws; for it is not to be supposed that an Assembly of the whole Nation should sit Consulting Forty Days of Peace and War, of Armies and Fleets, (which in those Days were Three Thousand Ships, and were able to make out the Dominion of the Seas); of the Grievances of the Nation, and the Redress of those Grievances; and of Providing for the Common Profit of the Realm; and after all not to be able to enact their own Conclusions. That is just as if our present Parliament should spend Forty Days in finding out Ways and Means for the raising Money, and afterwards were not able to put them into a Law: Or as we Private Men use to Consult and Debate, and Settle the Nation over a Dish of Coffee, without being able to oblige one single Man to our Orders.

The Thing which misled this Great Antiquary (as I conjecture) to make this Mark of Difference betwixt a *Folkmete* and a *Wittenagemote*, as if a *Wittenagemote* made Laws and a *Folkmete* not, is this; That when the Saxon Kings issued out their Laws, they said they had passed in their *Wittenagemote*, *Concilio Sapientum*, or Council of Wise Men: And it was proper for the King to call his *Folkmete* by that Name, though not for them themselves. As for Instance, the Writs of Election at this Day call for some of the *Discreetest* to be chosen to Parliament, though the Members do not assume

that Title : And I know so much of the Old English *Genius*, that they would no more have called themselves a *Wittenagemote*, than this present Parliament would call their Votes which come out Day by Day, *Journal de Seauans*.

But I will wave Conjectures even in Antiquities, (though we are there oftentimes forced to go in the Dark, to tread upon Ruins, and to feel out our Way;) because I have direct Proof that the *Folkmore* made all the Laws we ever had. And for this I will go no further than to the third Branch of the Usual and Accustomed Coronation-Oath taken by the former Kings of *England*, and taken twice by *Richard* the Second, 1 *Hen.* 4. Membr. 20. *inter Decem Scriptores*, p. 2746. in these words, spoken to the King by way of Question. "Concedis justas Leges & Consuetudines esse tenendas; & "promittis per te esse protegendas & ad honorem Dei cor- "roborandas quas *Vulgus* elegerit, secundum vires tuas? "Respondebit, Concedo & promitto. Do you grant that the just Laws and Customs which are of the Folks Chusing shall be kept, and do you promise that they shall be Protected, and to the Honour of God receive Affirmance by you, to the utmost of your Power? *The King shall Answer*, I Grant and Promise.

Now I would fain know, How a *Folkmore* can be otherwise expressed in Latin than by the Word *Vulgus*, which is a Collective Word: Or how the *Vulgus* or Folk could chuse Laws any otherwise than in a *Folkmore*?

I will not enter into the stiff Dispute which exercised King *Charles* the First and his Parliament for a long time, whether the word was *Præter Tense* or *Future*, and whether the Word was best rendred in the French Translations, the Laws which the Folk *auront esleu*, shall have chosen, or which the Folk *esliront* shall hereafter Chuse; whereupon they said that he was bound to Sign and Affirm all the Laws they should hereafter present to him, and that he could not make use of a Negative without

without Perjury. I say that that whole Dispute was not worth a Farthing. For if the Folk Chose the Laws all along down to King *Richard* the Second's Time, and the Kings were sworn to Affirm them, then we know how the Laws antiently were made; And who cares whether *Eslieront* or Choosing for the future be the Sense of the Word or no? For if the Folks Choosing was the Constitution in King *Richard* the Second's Time, then I would fain know in what King's Reign it was afterwards that the Constitution was altered.

In short, the Folke Chose the Laws; and I believe the English *Folk-mote* and *Wittenagemote* will be found to be old *Homer's* River,

"Ον ξάνθον καλέσσι θεοί, θνητοί δε Σκαμάνδρον.

Which the Gods call *Xanthus*, but mortal Men call *Scamander*. Now though *Scamander* be the homelier Name, yet it is the same River.

I cannot but say there was some Difference betwixt the *Folk-mote* upon the Kalends of *May*, and the *Folk-motes* which the King always called for his *Ardna Contingentia* or Contingencies of State: But the Differencelay only in this, that the *Folk-mote* of the Kalends of *May* was a Parliament *de more*, and of Course, who Assembled themselves, *sub initio Kalendarum Maii*, says *Spelman*, and were bound to do so, *in Capite Kal. Maii*, say the Laws of *Edward* the Confessor, *cap. 35. de Greve*; (and out of that Chapter has Sir *H. Spelman* extracted his true Account of a General *Folk-mote*, which was Anniversary:) whereas a *Wittenagemote* or Extraordinary Parliament or *Folk-mote* was Summoned at the King's Pleasure, and was ever at his Call both for Time and Place. Other Difference I can find none. For as for the Constituent Parts of a *Folk-mote*, if the Princes of the Realm, as well Bishops as Magistrates, and the Freeman, cannot denominate a *Wittenagemote*, I know not where the King will find his Wites, or Wise-men. I have spoke to that Point already.

ready. I have likewise spoken to the Point of the *Folkmoets* making of Laws. We find indeed the Saxon Kings in the Preface of their Laws which were made in Extraordinary Parliaments, Decreeing with their Wives, (*mid minan Wifenan*) some at *Greatanlaga*, and at *Midwinter* afterwards at *Eaxcester*, as King *Athelfstan*; some at *Lundenbrig* at the Holy Easterly Tide, as King *Edmund*; others at *Wodestock* in *Mercialand*, and others at *Wincheſter*. Whereby it appears that the Kings of *England* had a Power to Summon Parliaments when and where their Weighty Affairs required them, in all Places of the Realm, and at all Seasons of the Year. This is an undoubted Prerogative lodged in the King for the ſake of the *Ardua Contingentia*; and no Man would Govern a Kingdom that could not Command the Advice and Aſſiſtance of his Subjects to be forthcoming, when the Occaſions of the Kingdom required it. And for the ſake of theſe *Ardua Negotia*, the Knights, Citizens and Burgeſſes are to be Impow'ered to Act in Parliament-Buſineſs by thoſe that ſent them; leſt for want of that full and ſufficient Power, or by means of an Improvident Election, theſe Arduous and Weighty Affairs of the Kingdom ſhould in any wiſe remain *Infeſta*, or be left Undone. This is contained in the preſent Writ of Elections directed to every Sheriff of a County at every Election of Parliament-men.

But that is not my preſent Buſineſs, for I am in a further Search after the Annual or rather the Anniverſary *Folkmoete*.

C H A P. V.

Concerning the First Founder of the Yearly Folkmote of the Kalends of May.

BEfore I proceed any further I must clear one Point. And that is, that we find the Author and Founder of our Yearly *Folkmote* mentioned in the Laws of *Edward* the Confessor, (which were Recited and Confirmed by *K. William* the First) under the Title *De Greve*, Chap. 35. which may possibly leave a Suspicion that this Yearly *Folkmote* of the Kalends of *May* was a *Greve's Court*. Now what Court should this be, belonging to a *Greve*, or any Count or Viscount, or President whatsoever, for *Greve* is an Ambiguous Word? It is not a *Burghmote*, for that is Three times a Year by the Saxon Laws. It is not a County Court, for that by *Edward* the Senior's Laws, N^o. 11. was in these words. " *Je Wille that ælc Geresfa hæbbe Gemot a ymb seower wucan.* I will that each *Greve* have a *Gemot* at about Four Weeks. So that there were Twelve in the Year. It was not the Sheriffs Turn, or le *Turne del Count*, for that was twice a Year; *twa Scirgemot on ger*, by the Laws of King *Edgar*, cap. 5. it is not the *Gemot* for the View of Weapons or Arms, which every Freeman in *England* was charged with, and was bound to shew once every Year, and, as was wisely contrived, all in one Day throughout all *England*; but that Day was not in our Kalends of *May*, but the Morrow after Candlemas, *Craftino Purificationis B. M.* And therefore I cannot for my Life make any thing else of an Universal Anniversary Full *Folkmote*, which is but *semel in Anno*, *scilicet in capite Kal. Maii*, but a Stationary Parliament: Especially considering who they were and what they did.

The next thing to be considered is the Author or Founder of this Ancient Constitution, which we have in the aforesaid Chap.
De.

De Greve, Num. 35. amongst the Laws of Good King *Edward*.
 “ Hanc Legem Invenit Arthurus, qui quondam fuit Inclutic-
 “ fimus Rex Brytonum, & ita consolidavit, & confederavit
 “ regnum Britanniae universum semper in unum. This
 Law of the Anniversary *Folk-mote* *Arthur* Invented, who
 was heretofore the most Renowned King of the *Brytons*, and
 thereby he consolidated, and confederated together the whole
 Realm of *Britany* for ever as One Man.

It is good to Honour the Founders of all Useful Constituti-
 ons; and I believe that King *Arthur* was the Inventor of this
 as to this Realm; because these Laws of King *Edward* say so:
 And so was *Cadmus* the Inventor of Letters in *Greece*, though
 we can trace them out of *Phœnicia*; and the Letters speak for
 themselves. For if it be *Aleph*, *Beth*, *Gimel*, *Daleth* in one
 Place, and in the same Order it is *Alpha*, *Beta*, *Gamma*, *Delta*
 in the other Place, then we are sure there has been an Under-
 standing and Communication. For it is impossible to be other-
 wise when the Alphabets are settled on both Sides, by being
 their Numeral Letters; as it was plainly in King *David*'s Time
 by the Octonaries of the 119th *Psalms*, as it stands in the mid-
 dle of the Bible; and as it was in *Homer*'s Time in *Greece*;
 or else the Old Scholiasts have deceived me, who say that *Ho-*
mer purposely couched the Number of all his Books in the
 first Word of his *Iliads* ΜΗΝΥΜΑΕΙΔΕΩΝ. Which Numerals
 stand for 48. The Greeks likewise taught the Welch to tell
 Twenty, and I believe they taught the Romans too. Now
 by the same Rule, if there was a very Ancient *Folk-mote* in the
 Neighbouring Kingdom of *France* upon every Kalends of
May, then perhaps King *Arthur* borrowed from them; and it
 is good to look upon their Kalends, because it is possible they
 may give Light to Ours.

The French Kalends of *May* lie thus in *Radulphus de Dic-
 to*, a Famous Dean of *Paul's* in King *John*'s time, whose Histo-
 ry was thought so Authentick, that the English Parliament, in
Edward

Edward the First's time, Relied upon his Testimony, amongst some others, in no less a Point than the Claim of the King of England, to the Supream Dominion of the Realm of Scotland. As to our present business he has these Words, *Abbreuiat. Chronicorum*, pag. 439.

" Abhinc *Francorum* Regibus à solita fortitudine & scientia degenerantibus, Regni potentia disponebatur per Maiores domus, Regibus solo nomine regnantibus; Quibus moris erat principari quidem secundum genus, & nil agere vel disponere præterquam irrationabiliter edere & bibere domique morari, & Kal. Maii præsidere coram totâ gente & salutari, obsequia & dona accipere & rependere, & sic secum usque ad alium Maium permanere.

An. Dom.
662.

I will render the Sense of it into English as near as I can: However the Latin lies before every Man to Translate it for himself. From henceforward the French King's degenerating from the Valour and Learning which they used to have, the Power of the Kingdom was Administred by the Masters of the Palace, the Kings themselves being upon the Matter only Titular; whose Custom it was to come to the Crown indeed according to their Descent, and neither to Act nor Order any thing, but to Eat and Drink Unconscionably and to live at Home, and upon the *Kalends of May* to Preside in an Assembly of the whole Nation, and there to be Addressed, to receive their Allegiances, and Aids or Benevolences, and to Remercie them, and so to retire to the same Life again till another *May* came.

This French *Kalends of May*, is so much a Picture of Our's, that I know not which is the Copy, nor which the Original. Their's was an Assembly of the whole Nation; so was Our's. Annual and Anniversary; so was Our's. *It was tota Gens Kal. Maii*, in France. Our *Folk-mote* looks

L.L. Ed.
Conf. cap.
35. de
Greve.

extreamly

extreamly like it in those two Strokes. *Satutum est enim quod ibi debent populi omnes, & gentes Univerſe ſingulis annis, ſemel in anno ſcilicet convenire, ſcilicet in capite Kal. Maii.* For it was Appointed by Statute that all the People and Counties Univerſal ſhould meet together at the *Folkmo* each Year, namely, Once in the Year, namely, in the Beginnings of the Kalends of *May*. The King uſed to have fine Speeches made to him in *France*; ſo had we. They ſwore Allegiance to him; ſo did our Folk. They gave him Gifts, (it was not New-Year's tide) Aids, Benevolences, call them what you will; and our People at the ſame time, as Sir *H. Spelman* ſaid above, *Conſulted of Peace and War*, which cannot be managed without Ways and Means of raiſing Money, which is the Sinews of War, as Laws are of Peace. The word *rependere* at laſt in the French Kalends looks ſo like our French form of the Royal Aſſent given to a Money Bill, *le Roy Remercie ſes Loyals Sujets*, that I knew not how to render the word *Rependere*, any otherwiſe than I did, by the word *Remercie*.

I know that the Year 662, was below King *Arthur's* Time; but it appears that when the French Government was utterly ſpoiled in the *Merovingian* Family, as to the other Points, ſtill they retained the old Cuſtom of the Kalends of *May*; ſo that it was of much greater ſtanding.

The Conclusion.

And thus I have finished what I at first propounded ; but under such difficulties and disadvantages of a broken Health, as I do verily believe never Book was Written. And for that Reason, I am certain that the very Great Personages to whom I ventured to Offer it, (though it was upon presumption of a better Performance) will bear with it ; to whom I wholly Submit it with all Deference : and if one single Word of it should happen to be against Law, I here revoke it before hand. And for the same Reason I earnestly desire all Antiquaries and Learned Men to look further into this Matter, because I my self cannot : And as they see Cause, either to Confirm or Confute my Notion, which is Indifferent to me, because I only seek Truth. I do not speak thus doubtingly concerning Annual Parliaments, for I am Positive in them ; but if People will have the utmost of Antiquities, and the very Original of the Wisest and Justest Government in the World, they must sometimes be content to Read with Letters that are somewhat Worn ; Though I have been of Opinion for many a Year, that the Kalends of *May* were very Legible. And I am sure that I have by this Time gained my Point, which was to set Wiser Men upon Thinking.

I was afraid that this Government would float and move upon the Face of the Waters, till we were at a certainty about our Parliaments ; and therefore when I waited upon my Lord *Devonshire* before the Coronation, and it is my Fault I have not done it often since, I said that we were never the Better for this Revolution till we had a Settlement of Parliaments, and our Ancient Right was Anniversary Parliaments, and that nothing else could set the Government

vernment to rights. Knowing how much he had Assisted the King, and seeing the White Staff in his Hand, I concluded upon his Interest with the King, and therefore said ; My Lord, you may make a Complement of this Matter to the King, and tell him that we must have Good Laws in a Good Reign, or never, for we cannot have them in a Bad one ; but the Laws made in a Good Reign are to support us when a bad one comes, as the seven Years of Plenty in *Egypt*, sustained the seven Years of Famine. It breaks no Rules to repeat my own Discourse to his Lordship, and to say that he gave me the hearing, nor to say that a certain Knight pulled me by the Sleeve, which had no other Effect than to make me speak the more, and the more earnestly to my Lord in that matter.

Likewise when Mr. *Johnston* the present Secretary of State for *Scotland*, told me in the Court of Requests, that the Bill of Rights was going up to the House of Lords, I wish'd at that Time that all the Rights were reduced to One Line which was our Right, To have a Parliament every Kalends of *May*. I tell these old Stories to shew that I was always of the same Mind, and that no Court Neglects nor Disappointments have Altered me ; and I will Love this Court whether they will or no, for I am sure that I laid the Bridg that brought them over, and am pretty certain that they did not come hither in Virtue of *Passive-Obedience*.

F I N I S.

Books written by the Reverend Mr. Samuel Johnson.

Julian the Apostate: Being a short Account of his Life; the Sense of the Primitive Christians about his Succession, and their Behaviour towards him; Together with a Comparison of Popery and Paganism.

Julian's Arts to undermine and extirpate Christianity: Together with Answers to *Constantius* the Apostate and *Jovian*.

Remarks upon Dr. *Sherlock's* Book, intituled, *The Case of Resistance of the Supream Power stated and resolved, according to the Doctrine of the Holy Scriptures.*

Reflections on the History of Passive Obedience.

A second five Years Struggle against Popery and Tyranny; being a Collection of Papers published by the Reverend Mr. *Samuel Johnson*, during his last Imprisonment of five Years and ten Days. Wherein are contained these following Tracts. (1.) A Sermon preached at *Guildhall-Chappel*. (2.) The Church of *England* as by Law established, &c. (3.) Godly and wholsom Doctrine, and necessary for these Times. (4.) A short Diswasive from Popery, and from Countenancing and Encouraging Papists. (5.) A Parcel of wry Reasons, wrong Inferences, but right Observer. (6.) An Oration of Mr. *John Hales*. (7.) Several Reasons for the establishing of a standing Army, and the dissolving the Militia. (8.) Four Chapters. 1. Of Magistracy. 2. Of Prerogative by Divine Right. 3. Of Obedience. 4. Of Laws. (9.) The Grounds and Reasons of the Laws against Popery. (10.) An Humble and Hearty Address to all the English-Protestants in King *James's* Army. (11.) The Opinion, that Resistance may be used in case our Religion and Rights should be invaded. (12.) The Trial and Examination of the New Test of the Church of *England's* Loyalty. (13.) Reflections upon the Instance of the Church of *England's* Loyalty. (14.) The absolute Impossibility of Transubstantiation demonstrated. (15.) Bp. *Ridley's* Letter to Bp. *Hooper*, with some Observations on it. (16.) A Letter from a Freeholder, to the rest of the Freeholders of *England*. (17.) Religion founded upon a Rock. (18.) The True Mother Church.

An *Argument* proving, That the Abrogation of King *James* by the People of *England* from the Regal Throne, and the Promotion of the Prince of *Orange*, one of the Royal Family, to the Throne of the Kingdom in his stead, was according to the Constitution of the English Government, and Prescribed by it. In Opposition to all the false and treacherous Hypotheses, of Usurpation, Conquest, Desertion, and of taking the Powers that Are upon Content.